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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,352	10/21/2003	Kazuhiko Ueda	9281-4681	4252
7590	10/03/2005		EXAMINER	
Brinks Hofer Gilson & Lione			FENTY, JESSE A	
P.O. Box 10395			ART UNIT	PAPER NUMBER
Chicago, IL 60610			2815	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/690,352	UEDA, KAZUHIKO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jesse A. Fenty	2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 August 2005.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 4-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4-8 is/are rejected.
- 7) Claim(s) 9-12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apel (U.S. Patent No. 5,208,726) in view of Hagerup (U.S. Patent No. 6,477,054 B1).

In re claim 4, Apel (esp. Fig. 3) discloses a semiconductor device comprising:  
an insulative substrate (20) having a via hole comprising a conductive material (32);  
a lower electrode (36);  
a dielectric layer (40);  
an upper electrode (44);  
wherein the lower electrode, the dielectric layer on the lower electrode, and the upper electrode on the dielectric layer are disposed on the insulative substrate, at least a portion of the upper and lower electrodes overlap with the dielectric layer therebetween in a direction perpendicular to a face of the substrate,  
the lower electrode (36) connects to an end face of the conductive material in an area not having a dielectric layer; and

the dielectric layer is shaped like a ring (column 3, lines 30-32) to surround the via hole.

Apel does not expressly disclose the via hole being filled with the conductive material (32). Hagerup (esp. Fig. 2) discloses a via hole filled with a conductive material connecting to a capacitor structure (20). It would have been obvious for one skilled in the art at the time of the invention to fill the via of Apel as disclosed by Hagerup for the purpose, for example, of enhancing the heat transfer capabilities of the device (Hagerup; column 3, lines 35-45).

In re claim 5, Apel in view of Hagerup discloses the device of claim 4, wherein the area between the dielectric layer and via hole is ring shaped (Apel; column 3, lines 30-32).

In re claim 6, Apel in view of Hagerup discloses the device of claim 4, wherein the insulative substrate is made of low-temperature-sintered ceramic (Hagerup; column 3, lines 12-14).

In re claim 7, Apel in view of Hagerup discloses the device of claim 4, wherein the lower electrode connects to the end face of the conductive material.

In re claim 8, Apel in view of Hagerup discloses the device of claim 7, wherein a substantial portion of the circumference of the lower electrode is not covered by the dielectric layer and a substantial portion of the circumference of the dielectric layer is not covered by the upper electrode.

***Allowable Subject Matter***

3. Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. The following is a statement of reasons for the indication of allowable subject matter: The semiconductor device of claim 4 wherein at least the upper electrode connects to the end face of the conductive material is neither anticipated nor obvious over the prior art of record.

***Response to Arguments***

5. Applicant's arguments with respect to claims 4-6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

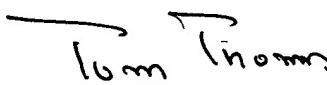
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse A. Fenty whose telephone number is 571-272-1729. The examiner can normally be reached on 5/4-9 1st Fri. Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on 571-272-1664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
\_\_\_\_\_  
TOM THOMAS  
SUPERVISORY PATENT EXAMINER  
Jesse A. Fenty  
Examiner  
Art Unit 2815